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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,736	11/26/2003	Yong Hee Kim	K-0571	3955
34610 7590 08/20/2007 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER PATEL, RITA RAMESH	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 08/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/721,736

Applicant(s)

KIM, YONG HEE

Examiner

Rita R. Patel

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-12,14,15,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-12,14,15,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/07 has been entered.

### ***Response to Applicant's Arguments / Amendments***

This Office Action is responsive to the amendment filed on 6/20/07. Claims 1, 4-12, 14, 15, 18, and 19 are pending. Claims 1, 4, 7-9, 12, 14, and 18 have been amended. Claims 2, 3, 13, 16, and 17 have been canceled.

In light of the amendments made to the claims, the former 35 USC 102 and 35 USC 103 rejections over Elick (Pub. No. US 2004/0003830) and Alabaster (US Patent No. 3,122,148) are hereby withdrawn. However, upon further consideration, the instant claims are rejected under new grounds of rejections and thus, claims 1, 4-12, 14, 15, 18, and 19 are rejected for the reasons of record.

Applicant's Remarks filed 6/20/07 are drawn to the former rejection and are now considered moot because of a new grounds of rejection taught herein.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 10-12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiesler et al. herein referred to as "Kiesler" (Pub. No. US 2003/0034052), and further in view of Landon (US Patent No. 3,297,163).

Kiesler teaches a dishwasher having a fluid circulation assembly 170 including a main pump assembly 172 and a drain pump assembly 174 in fluid communication with sump 150 (shown in Fig. 2). The sump is used for filtering and re-circulation (Paragraphs [0020-0021]). A fine filter assembly 190 is located below lower spray arm assembly and above tub sump portion 142. As wash fluid is pumped into lower spray arm 144 to generate a washing spray in wash chamber 106, wash fluid is also pumped into fine filter assembly 190 to filter wash fluid sediment and particles of a smaller size than coarse filters 182, 183. Additionally Kiesler discloses down jets of lower spray arm assembly 144 spray fluid onto fine filter assembly 190 to clean fine filter assembly during purging or draining of fine filter assembly 190 (Paragraph [0025]).

Kiesler teaches the claimed invention except fails to teach the filter assembly to be comprised of a plurality of concentrically aligned filters, as well as a corresponding stationary cleaning nozzle provided therewith. However, Landon teaches these

Art Unit: 1746

features in a jet-washed rotatable filter apparatus. The invention of Landon has a sump 56, a pump 40, a filter element 20 having a tubular core 20a and a plurality of disc members 20b, said members being arranged concentrically on said core and being spaced axially apart (col. 4, lines 3-6). Also, Landon discloses means for cleaning the filter element by jetting a stream of water against the filtering element as it is rotated; jet manifold 36 contains a plurality of jet openings 36a aimed generally toward the filter element (col. 4, lines 43-46, 48-49). Although the invention of Landon is taught to be usable in swimming pools for the purposes of filtering, it is fully structurally capable of being used within a washing machine for performing the same exact filtering means. It is well settled that the intended use of a claimed apparatus is not germane to the issue of the patentability of the claimed structure. If the prior art structure is capable of performing the claimed use then it meets the claim. *In re Casey*, 152 USPQ 235, 238 (CCPA 1967); *In re Otto*, 136 USPA 459 (CPA 1963). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Landon's filtering means and corresponding spray cleaner in the apparatus of Kiesler to achieve enhanced fluid cleaning within a sump/pump assembly. Landon provides further motivation by indicating the efficacy of such a filtering system in a closed pressurized filter tank, and also enhancing removal of waste fluids (col. 2, lines 42, 63).

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to have filter holes of respectively varying size, as disclosed by Kiesler for effectively filtering particles from the wash liquid in the order of coarse filtering down to fine filtering. Additionally it would have been obvious to one of ordinary skill in the art

at the time of the invention to optimize the nozzle hole sizes based on the pressure of the pressurized water supply to achieve optimal jet liquid spray, and thus most effectively clean the filter element. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

As seen in Figure 4 of Kiesler, the filter body 183 is placed within a holding section in the sump 150. In the invention of Landon, the filter body 20 is held in place by a tubular core 20a (filter holder); and Landon's cleaning nozzle 36 reads on claims for a tubular nozzle body.

Claims 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiesler and Landon as applied to claims above, and further in view of Brown (US Patent No. 2,392,901).

Kiesler and Landon teach the claimed invention except fail to teach a first filter disposed within a second filter. In the invention of Landon, the filters are concentrically stacked, rather than being concentrically nestled within one another. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have concentrically aligned filters such that a first filter is disposed within a second filter; rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 10 (CCPA 1950). Also, choice in aesthetic designs was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11, (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). Moreover, Brown teaches filters related to pressure filter used in

Art Unit: 1746

pressure circulating systems that has a filtering apparatus including a receptacle 2 comprising spaced concentrically arranged inner and outer walls 3 and 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to rearrange the filter in the Kiesler-Landon invention to be formed in said concentric fashion, as taught by Brown to be a known arrangement of concentric filters in pressure circulating systems. Although the invention of Brown is directed towards use in combustion engines, it is wholly capable of use in a dishwasher with a pressure circulating fluid system. Applicant's claims for concentric filters wherein a first filter is disposed within a second filter does not patentably distinguish over Brown since Brown meets all the structural elements of the claim(s) and is capable of providing filtering means within a pressure circulating system as desired. See MPEP 2114.

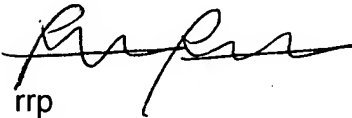
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

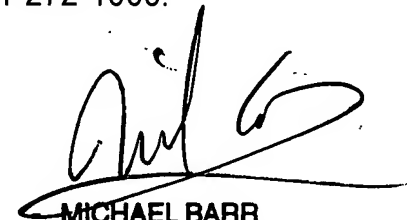
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**